



January 29, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

**SB 19 - Failure to Pay Rent Proceedings - Prohibition on Rent Increases and Shielding of
Court Records
Hearing before the Senate Judicial Proceedings Committee
January 30, 2024**

Position: FAVORABLE

Dear Chair Smith and Committee Members,

Thank you for the opportunity to testify in support of Senate Bill 19, which would protect tenants who have received failure to pay rent judgments from retaliatory rent increases and provide for shielding of failure to pay rent court records in certain limited circumstances.

Community Legal Services of Prince George's County ("CLS") is a private, non-profit organization that provides free legal services to low-income Maryland residents. Since 1985, we have provided civil legal assistance in Prince George's County, and we extended our services to assist Anne Arundel County residents in landlord-tenant matters as the need for legal representation increased during the pandemic. Each year, CLS assists thousands of tenants who are facing possible eviction, with the vast majority ultimately staying in their home.

Maryland has the highest eviction filing rate in the nation, with a rate that is six times the national average and twice the next highest state. Many landlords use eviction filings as an initial course of action, and these proceedings create a permanent public record that significantly impacts the ability of tenants to find housing in the future. However, the vast majority of these cases do not result in an eviction, and one-third of cases do not even result in a judgment. Only 5% of tenants who have an eviction filing are actually evicted, while the rest are able to pay their late rent or should have never been brought to court in the first place.

As a result of the over-reliance on eviction legal proceedings in the State, over 100,000 failure to pay rent proceedings are dismissed each year. These filings have a disproportionate impact on Black families and low-income households, and children are the most likely age group to be impacted by an eviction proceeding. Many tenants struggle to make ends meet and are living paycheck-to-paycheck, and nearly one-quarter of tenants spend 50% or more of their wages on housing costs. When families have an eviction case filed against them, they face additional costs in having to miss work to attend trial and pay court costs.

Currently in Maryland, tenants have to file a case to have their eviction filing records shielded, and no records that resulted in a judgment can be protected from public view. Under SB 19, tenants who do not receive a judgment for possession against them can have automatic shielding of those records after 60 days. CLS supports this automatic shielding to protect tenants who have not been found to owe any past due rent from the severe negative impacts that these eviction filings can have on the ability to find housing in the future.

SB 19 would also allow for tenants who have received a judgment for possession against them to shield those records if they can show good cause or otherwise if they were able to pay their past due rent and at least 12 months have passed since the case was resolved. CLS supports this ability to shield judgment records to provide tenants who were late on their rent but ultimately were able to pay so that these late rent payments do not cause a permanent negative impact on their ability to find housing. Similarly, CLS supports SB 19's provision that would prevent rent increases solely on the basis of a judgment entered the tenant.

Many tenants struggle to make ends meet and are living paycheck-to-paycheck, and nearly one-quarter of tenants spend 50% or more of their wages on housing costs. There are many reasons why tenants may fall behind on rent and have to pay their rent late. However, tenants who pay rent late should not be punished with a permanent public record for which relief is overly burdensome or impossible. SB 19 would create the mechanisms to fairly resolve these concerns, and CLS urges a FAVORABLE REPORT on Senate Bill 19.

Respectfully submitted,

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